

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1308 be amended to read as follows:

- 1 Page 1, line 17, strike ".".
- 2 Page 2, after line 7, begin a new paragraph and insert:
- 3 "SECTION 2. IC 33-19-1-2.5 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2002]: Sec. 2.5. (a) As used in this section,
- 6 "heavy speeding violation" means a criminal violation, an
- 7 infraction, or an ordinance violation in which the operator of a
- 8 truck having a declared gross weight greater than forty thousand
- 9 (40,000) pounds exceeds the lawful speed limit.
- 10 (b) Notwithstanding IC 33-19-5 and IC 33-19-6, the clerk shall
- 11 collect from every person who has committed a heavy speeding
- 12 violation enhanced court fees and court costs.
- 13 (c) The enhanced court fees and court costs described in
- 14 subsection (b) consist of two hundred fifty percent (250%) of the
- 15 court fees and costs applicable to a person who has committed a
- 16 criminal violation, an infraction, or an ordinance violation.
- 17 (d) The enhanced court fees and costs shall be distributed in the
- 18 same manner and in the same proportion as regular court fees and
- 19 costs.
- 20 SECTION 3. IC 34-28-5-4 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4. (a) A judgment of up
- 22 to ten thousand dollars (\$10,000) may be entered for a violation
- 23 constituting a Class A infraction.
- 24 (b) A judgment of up to one thousand dollars (\$1,000) may be

1 entered for a violation constituting a Class B infraction.

2 (c) A judgment of up to five hundred dollars (\$500) may be entered
3 for a violation constituting a Class C infraction.

4 (d) A judgment of up to twenty-five dollars (\$25) may be entered for
5 a violation constituting a Class D infraction.

6 (e) A judgment:

7 (1) up to the amount requested in the complaint; and

8 (2) not exceeding any limitation under IC 36-1-3-8;

9 may be entered for an ordinance violation.

10 **(f) A judgment of up to two hundred fifty percent (250%) of the**
11 **amount described in subsections (a) through (d) shall be entered**
12 **against a person who has committed a heavy speeding violation.**

13 SECTION 4. IC 35-50-5-5 IS ADDED TO THE INDIANA CODE
14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
15 1, 2002]: **Sec. 5. If a person has committed an offense that**
16 **constitutes a heavy speeding violation (IC 33-19-1-2.5), the court**
17 **may impose a fine that is two hundred fifty percent (250%) of the**
18 **amount described in IC 35-50-2 and IC 35-50-3.**

19 SECTION 5. IC 36-1-3-8 IS AMENDED TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2002]: Sec. 8. (a) Subject to subsection (b), a
21 unit does not have the following:

22 (1) The power to condition or limit its civil liability, except as
23 expressly granted by statute.

24 (2) The power to prescribe the law governing civil actions
25 between private persons.

26 (3) The power to impose duties on another political subdivision,
27 except as expressly granted by statute.

28 (4) The power to impose a tax, except as expressly granted by
29 statute.

30 (5) The power to impose a license fee greater than that reasonably
31 related to the administrative cost of exercising a regulatory power.

32 (6) The power to impose a service charge or user fee greater than
33 that reasonably related to reasonable and just rates and charges
34 for services.

35 (7) The power to regulate conduct that is regulated by a state
36 agency, except as expressly granted by statute.

37 (8) The power to prescribe a penalty for conduct constituting a
38 crime or infraction under statute.

39 (9) The power to prescribe a penalty of imprisonment for an
40 ordinance violation.

41 (10) The power to prescribe a penalty of a fine as follows:

42 (A) More than ten thousand dollars (\$10,000) for the violation
43 of an ordinance or a regulation concerning air emissions
44 adopted by a county that has received approval to establish an
45 air program under IC 13-17-12-6.

46 (B) **More than six thousand two hundred fifty dollars**

- 1 **(\$6,250) for a heavy speeding violation.**
2 **(C)** More than two thousand five hundred dollars (\$2,500) for
3 any other ordinance violation.
4 (11) The power to invest money, except as expressly granted by
5 statute.
6 (12) The power to order or conduct an election, except as
7 expressly granted by statute.
8 (b) A township does not have the following, except as expressly
9 granted by statute:
10 (1) The power to require a license or impose a license fee.
11 (2) The power to impose a service charge or user fee.
12 (3) The power to prescribe a penalty."
 (Reference is to HB 1308 as printed January 29, 2002.)

Representative Alderman